IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Government Appeal No. 2012 of 2001
(Old No.1657/1999)

The State ……. Appellant.

Versus

1. Mahipal S/o Dhoom Singh
2. Dhoom Singh S/o Sumaru.
3. Jora S/o Sumaru
   All R/o Village Jhabri, P.W. Pahari,
   District Haridwar

…….…. Respondents.

Mr. Nandan Arya, A.G.A. for the appellant State.
None for the respondents.

Hon. Prafulla C. Pant, J.

Heard Mr. Nandan Arya, learned A.G.A. for the State.

2) Leave has been sought to file appeal against the judgment and order dated 10.03.1999, passed by II Additional Sessions Judge, Haridwar, in Sessions Trail No. 17 of 1998 and Sessions Trail No. 188 of 1998, whereby the accused / respondent were acquitted of the charge of offences punishable under Section 304-B, 201, 498-A of I.P.C. and the one punishable under Section 3 /4 of the Dowry Prohibition Act, 1961.

3) Impugned judgment and order shows that the case resulted in acquittal of the accused persons, for the reason that none of the prosecution witnesses of fact, supported the prosecution story. P.W. 1 Smt. Chameli has stated that

accused Mahipal or his relatives did not demand dowry. P.W. 2 Dharam Pal has also stated that no demand of dowry was made by the accused Mahipal or by the members of his family. Similarly, P.W. 3 Pramod Kumar too has stated that no demand of dowry was made, nor the deceased was harassed for non-fulfullment of demand of dowry. All the three witnesses were got declared hostile by the prosecution.

4) In the above facts and circumstances of the case, there is nothing in the impugned judgment, which invites interference of this Court. Therefore, the leave to appeal is refused and the Appeal stands dismissed.

(Prafulla C. Pant, J.)

Dt. November 08, 2006.
H.Negi